

Place

- Raymond High School Media Center

Call to Order

- 7:00 p.m.

Members Present

- Jonathan Wood (Chair)
- Don Hedman (Vice Chair)
- Steve Wallerstein (Secretary)
- Greg Bemis (Board of Selectmen Ex-officio)
- Harry McClard
- Gretchen Gott
- Carolyn Matthews

Members Absent

- None

Staff Present

- Robert Price (Assistant Planner)

Pledge of Allegiance

Mr. Wood noted that the Conservation Commission is in need of members to fill vacant positions. He noted that the Planning Board is allowed by RSA to have one member serve on the Conservation Commission. He also stated that he felt this was an opportunity to increase communication between the two boards. Mr. Wallerstein volunteered to serve as on the Conservation Commission on behalf of the Planning Board.

MOTION: Mr. Wood made a motion, seconded by Mr. McClard that the Planning Board recommends to the Board of Selectmen and Conservation Commission that Steve Wallerstein be appointed as either an Alternate of full Member of the Conservation Commission. The motion carried with vote of 6-0-1, with Mr. Bemis abstaining.

Public Hearing – Caulfield Revocable Trust Subdivision

Application #2014-004 – *An application for subdivision has been submitted by Blaisdell Survey, LLC on behalf of the Paul Caulfield Revocable Trust. The applicant is proposing to subdivide a lot of approximately 3.29 acres into two lots; one lot consisting of 1.37 acres and the other lot consisting of 1.92 acres. The property is identified as Raymond Tax Map 35, Lot 79; 1 Ham Road.*

Ms. Gott stated that she is going to recuse herself from this hearing as she served as a member of the Zoning Board of Adjustment when this project was reviewed by the ZBA in 2002.

Mr. Bemis disclosed that he has performed work for the Caulfield family in the past, but added he feels he can serve without bias for this hearing.

Members Seated for this Hearing: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Harry McClard; Carolyn Matthews.

Applicants/Agents Present for this Hearing: Scott LaPointe; Trustee of the Paul Caulfield Revocable Trust (property owner)

Abutters/Public Present for this Hearing: David Damphousse; Brian & Griset; Unidentified Abutter.

Mr. Price stated Application #2014-004 can be accepted as complete for review purposes.

MOTION: Mr. Wallerstein made a motion, seconded by Ms. Matthews to accept Application #2014-004 as complete for review purposes. The motion carried with a unanimous vote of 6-0-0.

Mr. Price noted the following about the application:

- 1-lot subdivision
- Variance from 2002 was provided in Board's packets. That variance was needed for a subdivision at the time because the size requirements for a commercial lot in 2002 were greater than they are presently.
- The applicant never came forward with a subdivision after receiving variance relief.
- Since they are only now coming forward, the proposal is compliant with today's zoning requirements and the variance and its conditions are moot.

Mr. Wood read the now-moot variance and the present-day zoning determination into the record. Copies of both are on file with the Community Development Department.

Mr. LaPointe noted the following about the proposed subdivision:

- Plan is to separate the existing commercial structure from the existing home, placing each on their own lots.
- A two bedroom septic is being proposed for lot containing the commercial structure and a new four bedroom septic is being proposed for the lot containing the residence.
- State subdivision approval has been issued (he showed the Board a copy of the approval)

Mr. Bemis asked if any changes to the appearance of the home or building will be taking place. Mr. LaPointe replied no.

Mr. McClard asked for clarification that the only new construction being proposed are the new septic systems. Mr. LaPointe replied yes.

PUBLIC COMMENT

An unidentified abutter asked for clarification on what exactly the proposal entails. Mr. Wood explained that the lot is commercially zoned, and contains a house and a warehouse. He added the applicants have the right to, and are, cutting the lot into two, with the house remaining on its own lot and the warehouse remaining on its own lot. The abutter expressed concern that the creation of a second commercial lot will lead to a second business being established.

Mr. Griset asked if Site Plan Review would be triggered if the use of the lot containing the residence changed from residential to commercial despite the lot's commercial zoning. Mr. LaPointe stated it is his

expectation that the Board includes a condition of approval which would limit the use of the lot containing the house to residential use, thus restricting the possibility of commercial use.

The unidentified abutter asked what could happen if the house were to sell with the lot still bearing commercial zoning. Mr. LaPointe stated it is his intention to sell the lot containing the house, but added if the Board takes his suggestion to add a condition of approval to restrict the lot to residential use, then that condition will remain in place and the lot will have to remain residential in nature.

The unidentified abutter asked if the zoning of the lot could be changed to residential. Mr. LaPointe reiterated the intention to restrict that lot to residential use, stressing the intention is to keep things as they are with the exception of splitting the lot into two. Mr. Wood noted that the Planning Board could opt to change zoning, or the abutter could file a citizen's petition, but that could not occur until the end of the year by Statute.

Mr. Wood recapped that the applicant has clearly stated an intention that proposed lot 79-1, which currently has an existing home upon it, will remain residential in nature.

POLL

Mr. Wood polled the Planning Board to determine if Application #2014-004 had regional impact.

POLL RESULTS

Mr. Wallerstein – No
Mr. Bemis – No
Ms. Matthews – No
Mr. Hedman – No
Mr. McClard – No
Mr. Wood – No

MOTION: Mr. McClard made a motion, seconded by Mr. Hedman that Application #2014-004 does not have regional impact. The motion carried with a unanimous vote of 6-0-0.

POLL

Mr. Wood polled the Board to determine if a condition of approval, written as follows, should be added:

- Raymond Tax Map 35, Lot 79-1 shall be limited to residential use. This condition of approval shall be noted on the plan and a deed restriction reflecting same shall be included in the deed for this lot.

POLL RESULTS

Mr. Wallerstein – Abstain because he would prefer this be addressed through a motion rather than a poll
Mr. Bemis – Yes
Ms. Matthews – Yes
Mr. Hedman – Yes
Mr. McClard – Yes
Mr. Wood – Yes

MOTION: Mr. Hedman made a motion, seconded by Ms. Matthews to approve Application #2014-004, a one-lot subdivision subject to the following conditions:

The following conditions shall apply:

1. The conditions of approval designated as conditions precedent must be completed within six (6) months, unless otherwise specified, or this approval shall become null and void.

The following are conditions precedent:

- a. The applicant must obtain all required local, State and Federal permitting for the project, and provide copies of same to the Community Development Department;
 - b. All fees authorized to be charged to the applicant pursuant to the Raymond Site Plan Review Regulations including, but not limited to application fees, costs of special studies, and legal and engineering review, shall be paid by the applicant;
 - c. Deeds, easements, conservation easements, condominium documents, maintenance agreements, and any other legal documentation pertinent to this project shall be reviewed and approved by Town Counsel, and where applicable, the Board of Selectmen pursuant to RSA 41:14-a;
 - d. The applicant shall address, to the satisfaction of the Town's Review Engineer, any remaining engineering issues identified during peer review. Written concurrence, from the Town's Review Engineer and the Raymond Community Development Director, with the design corrections of any identified engineering issues shall be required prior to final plan approval.
 - e. A Performance Guarantee Agreement shall be executed between the Town of Raymond and the Applicant within 30 days (June 14, 2014). **Failure to execute the required agreement will result in plan approval revocation.**
2. The following items must be completed within twenty-four (24) months of the completion of conditions precedent for this project to constitute "active and substantial development or building" pursuant to RSA 674:39:
 - a. Placement of new property boundary markers.
 3. The following items must be completed for this project to constitute "substantial completion of the improvements" pursuant to RSA 674:39:
 - a. Placement of new property boundary markers.
 4. Other Conditions imposed by the Planning Board:
 - a. Raymond Tax Map 35, Lot 79-1 shall be limited to residential use. This condition of approval shall be noted on the plan and a deed restriction reflecting same shall be included in the deed for this lot.

The motion carried with a unanimous vote of 6-0-0.

At this time, Ms. Gott rejoined the Board for the duration of the meeting.

Approval of Minutes

Members Seated for Approval of Minutes: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Harry McClard; Gretchen Gott; Carolyn Matthews.

MOTION: Ms. Matthews made a motion, seconded by Mr. McClard to approve the minutes of April 17, 2014 as amended. The motion carried with a vote of 6-0-1, with Mr. Wallerstein abstaining.

Work Sessions

Members Seated for these Discussions: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Harry McClard; Gretchen Gott; Carolyn Matthews.

CHARRETTE RECAP

The Planning Board each offered comments about the Envision Raymond Charrette that was held on Saturday May 10, 2014, seen below.

Mr. McClard stated he enjoyed it and felt it was enlightening.

Ms. Matthews stated the following:

- Felt it was enlightening and wonderful.
- Lots of positive emphasis on Raymond.
- Liked the message that came across of just because the Town needs wastewater treatment doesn't mean everything stops.
- Found it interesting to learn that the Regional Economic Development Corporation, where the event was held, serves as a business incubator.

Ms. Gott stated the following:

- A lot of easy fix items were discussed, but wondered if they're truly that easy.
- Concerned about the canopy trimming discussed for the Town Common and the parking situation for the Raymond Historical Society.
- Added she felt there was good representation from everyone and wants the Planning Board to further-discuss the maps that were used for participants to mark spots where they felt a \$250,000 investment should be made. *(Note: The \$250,000 figure was an imaginary figure made up by the Beta Group. It was not a solid figure determined by those participating in the Charrette as a realistic investment)*

Mr. Hedman stated the following:

- Felt pleasantly surprised at the level of expertise brought by the Beta Group.
- They did preliminary research which led to some initial ideas, but they were able to envision and work on the fly with new ideas as they arose.
- Found it encouraging and enlightening to see people with different backgrounds come together.

Mr. Wallerstein stated it seems like the event was focused on the downtown area, and added he wished it would have been a more global approach. Mr. McClard explained that the initial presentation focused on the Town as a whole, but the group drew the focus in on the downtown. He noted the group did discuss trying to tie the downtown with Exit 5.

Ms. Matthews stated she never thought of the Rail Trail as a connection between Exits 4 and 5, adding that Raymond is unique in that it has a trail system to join the Town together. She added signage could be a beneficial enhancement for the Town and its image. She noted a comment was made that businesses

won't locate where their workers can't find good quality of life. She felt enhancing the downtown can be a good step toward that mission.

Mr. Wood noted that Pastor Bosse mentioned he just walked the trail from Auburn to Exeter. He reported that the trail is in good condition overall. He also noted that Raymond is the only spot where users of the trail can get off in the heart of a town to get food or whatever else.

Mr. Bemis stated the NH State Parks web site mentions Raymond's Historic Depot as a gem of the trail system.

Ms. Gott suggested the Board work on zoning to ensure bed and breakfast establishments were not too restricted in their ability to locate.

IN-LAW APARTMENTS

Mr. Wood stated he has come across a number of these in his appraisal work in recent years and feels the time is right for Raymond to consider them. He noted Raymond's Ordinance currently does not allow in-law apartments, rather it deals with these situations as two-family dwellings.

Ms. Gott noted that Mr. Mailhot has been concerned with in-law apartments in the past. Mr. Price stated that the concern with in-law apartments in the past has been with enforcement – specifically how the Town could ensure on an ongoing basis that a family member actually resides in such an apartment space.

Ms. Matthews stated another concern/question about In-Law Apartments is whether or not they should have impact fees assessed to them.

Mr. Wood read the In-Law Apartment section of the Town of Salem's Zoning Ordinance.

Mr. McClard noted that the Federal Emergency Management Agency considers attached living space to be an In-Law Apartment if there is internal access to the space that is not lockable.

Ms. Matthews stated she feels the Salem Ordinance creates an enforcement nightmare, and questioned how they could possibly enforce the In-Law provision. She suggested asking Salem how they handle enforcement.

Mr. Wood next read the Accessory Apartment section of the Town of Newbury's Zoning Ordinance.

Mr. Bemis stated he likes the purpose and intent as described in the Newbury Ordinance. It was noted that Newbury's language does not limit use to an In-Law specifically, which has the potential of creating an ongoing rental situation.

Mr. Wallerstein questioned if it makes sense to stick with the Town's current two-family requirements and simply change the restrictions on where and on how much land they can be located.

Mr. McClard asked if the Planning Board wanted to focus on providing arrangements specifically for an In-Law or In-Laws, or if the reach should extend further to small families. Mr. Wood noted the size of the apartment can be limited in the number of square feet, which will help dictate who lives there.

Mr. Wood asked if the Planning Board felt that In-Law apartments were something worth pursuing as a zoning amendment. In response to the question, several Board members weighed in:

- Ms. Gott felt that if the Board were to pursue an amendment regarding in-law apartments, then it should first identify what it specifically hopes to achieve by adding such a provision to the Zoning Ordinance.
- Ms. Matthews felt it was worth additional exploration in terms of enforcement. She added she agrees with Mr. Bemis that the language in Newbury's purpose statement seems to fit Raymond perfectly.
- Mr. Bemis liked the way Newbury made the problem simple by not getting into the in-law aspect of things and allowing creation of a true rental apartment that is affordable for people.
- Mr. Hedman felt the accessory apartment angle might be better in order to avoid enforcement problems.

Other Business – Staff Update, Board Reports & Other Discussions – Part II

Members Seated for this Discussion: Jonathan Wood; Don Hedman; Steve Wallerstein; Greg Bemis; Harry McClard; Gretchen Gott; Carolyn Matthews.

Mr. Price distributed a homework assignment of sorts to the Planning Board. The purpose of the assignment is to begin getting the Board familiar with the Zoning Ordinance and its many intricacies. The idea is to allow Board members to follow along with the path staff takes whenever an idea for a development project is brought up. He noted this would be the first in a planned series of assignments that will grow in complexity.

Mr. Price reminded the Board that they've scheduled site walks to occur on May 22 starting at 6:00 p.m. for the three active excavation sites.

The Planning Board heard reports from its members serving on other boards and committees.

Adjournment

MOTION: Mr. McClard made a motion, seconded by Ms. Matthews to adjourn. The motion carried with a vote of 6-0-1, with Mr. Wallerstein jokingly abstaining. The meeting adjourned at approximately 8:37 p.m.

Respectfully submitted,

Robert Price
Assistant Planner